IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
THE HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION No. 19582 of 2004

Between:

Pidugu Savitri, W/o.Late P.Nagi Reddy,
R/o.1/380, Maruthinagar, Kadapa.

..... PETITIONER

AND

1.The Authorised officer, under the (Securitization and Asset Reconstruction and Enforcement of Security Interest Act, 2002) LIC Housing Finance Ltd., 15/1, Hayes Centre, Hayes Road,
Bangalore-25.
2. L.I.C.Housing Finance Ltd., 2nd floor, R.S.Road, Kurnool.
3. The District Collector, Kadapa District.
4.The District Judge, Kadapa District.
5.The High Court of A.P., Reptd., by the Registrar (Administration) Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the order of 3rd Respondent in Ref.No.D1/2241/2004 dated 1-10-2004 as illegal, arbitrary and has been passed without considering the representation of petitioner dated -08-2004 and direct not to proceed under Securitization and Asset Reconstruction and Enforcement of Security Interest Act, 2002 the terminal benefits of late Pidugu Nagi Reddy are settled and paid by the 4th Respondent herein.

Counsel for the Petitioner: Mr. S.V.BHATT

Counsel for Respondent Nos. 1& 2: Mr.S.Shivashankar

Counsel for Respondent No.3: G.P. for Revenue

Counsel for Respondent Nos.4 & 5: Smt.M.Bhaskara Lakshmi

SC for High Court.

The Court made the following :

ORAL ORDER:

(per Honourable Sri Devinder Gupta, the Chief Justice)

As per the information received by the Registrar (Administration) from the District Judge, Kadapa, the amount pertaining to three insurance policies, final payment application was sent to the Director of Insurances, A.P.G.L.I, Kadapa by the Junior Civil Judge, Sidhout for release of final payment. The said amount will be disbursed by the Junior Civil Judge, Sidhout after the amount is released from the Director of A.P.G.L.I. This will be the first item of payment to be received by the petitioner.

The final payment of General Provident Fund amounting to Rs. 18,254.00 has been released to the petitioner and unmarried daughters by the Junior Civil Judge, Sidhout on 20.12.2004. Final payment of Social Security-cum-Provident Fund Booster Scheme amounting to Rs.15,138-00 has also been paid to the petitioner and her unmarried daughters on 10.1.2005. The Accountant-General, Andhra Pradesh also released the gratuity of the deceased employee payable to the petitioner by allocating respective shares to the petitioner and her two unmarried daughters vide payment order dated: 29.12.2004, which is received by the Junior Civil Judge, Sidhout on 17.1.2005. Payment will be made by the District Treasury to the petitioner and other family members of the deceased employee directly. The amount is Rs.72,875.00. The amount pertaining to the A.P. Employees Group

Insurance Scheme along with interest and savings fund was drawn and paid to the petitioner by the Junior Civil Judge, Sidhout on 22.1.2005. The payment of Family Benefit Fund is pending for necessary orders from the District Treasury. The bill has been prepared and sent for payment. Payment has not so far been made. Similarly, an amount of Rs.6,540/- on account of encashment of earned leave is still payable. Orders are communicated to the Junior Civil Judge, Sidhout for necessary action. Thus, barring three payments which are minor amounts and are likely to be paid shortly, all amounts due and payable have since been paid to the petitioner.

The learned counsel for the petitioner submits that within a period of one month, the petitioner will clear off all dues payable to the 2nd respondent. We direct that the L.I.C.Housing Finance Limited on the visit of the petitioner to its office within a period of two weeks, shall apprise her the exact amount due and payable after adjusting the amounts if any. Within a period of two weeks thereafter, on petitioner's payment of the same, No Due Certificate will be given to the petitioner. For a period of one month, no coercive steps shall be taken by the second respondent against the petitioner. On the petitioner's failure to make the payments, Respondent No.2 will be at liberty to recover the amounts in accordance with law.

With the above directions, the Writ Petition is disposed of. No costs.

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DEVINDER GUPTA, C.J.

1.2.2005.

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M.NARAYANA REDDY, J.

VR.

Note:

Issue cc in two days.

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To

1.The Authorised officer, under the (Securitization and Asset Reconstruction and Enforcement of Security Interest Act, 2002) LIC Housing Finance Ltd., 15/1, Hayes Centre, Hayes Road,
Bangalore-25.
2. L.I.C.Housing Finance Ltd., 2nd floor, R.S.Road, Kurnool.
3. The District Collector, Kadapa District.
4.The District Judge, Kadapa District.
5.The Hon'ble the Registrar (Administration), High Court of A.P., Hyderabad.

6. The Section Officer, Legal Cell, High Court of A.P., Hyderabad.

7. Two CD copies.